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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,570	12/22/2003	Garrett N. Ford	122142.00008	7975

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EXAMINER

NGUYEN, SON T

ART UNIT PAPER NUMBER

3643

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/743,570

**Applicant(s)**

FORD, GARRETT N.

**Examiner**

Son T. Nguyen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 13-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 13 & 14** are rejected under 35 U.S.C. 102(b) as being anticipated by Bowman (US 3515417).

For claim 13, Bowman teaches a bushing 14 that is capable for use with a stirrup member comprising an inner sleeve 16 adapted for snug connection with the holding member; an outer sleeve 11a,b substantially concentric with the inner sleeve; and a plurality of longitudinal fins 18 connecting the inner and outer sleeves.

For claim 14, Bowman teaches wherein the inner sleeve, ribs and outer sleeve are an integral unitary structure.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsi-Chang (6220004) in view of Bowman (3515417).

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For claim 1, Hsi-Chang teaches a stirrup comprising a carrier 12; a holding member 58 on the carrier ; a footrest 22 joined to the carrier; and a bushing 64 mounted on the holding member. However, Hsi-Chang is silent about the bushing includes an inner sleeve and longitudinal fins extending radially from the inner sleeve.

Bowman teaches a bushing as described in the above with inner sleeve and fins. It would have been an obvious substitution of functional equivalent to substitute the bushing of Hsi-Chang with the bushing having inner sleeve and fins as taught by Bowman, since both types of bushing would perform to guide or reduce friction between elements.

Hsi-Chang as modified by Bowman teaches an outer sleeve (see fig. 6 of Hsi-Chang, ref. 18) connected to the fins (as taught by Bowman) once the fins are placed therein the stirrup.

For claims 2-4, Hsi-Chang as modified by Bowman (emphasis on Bowman) teaches wherein the inner sleeve and fins are integral unitary structure. However, Hsi-Chang as modified by Bowman is silent about polyurethane. It would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture the bushing, inner sleeve and outer sleeve of Hsi-Chang as modified by Bowman out of polyurethane, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious choice.

5. **Claims 15-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman (as above).

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For claims 15 & 16, Bowman is silent about the bushing, the sleeves and fins being made of polyurethane. It would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture the bushing, inner and outer sleeves and fins of Bowman out of polyurethane, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious choice.

For claim 17, Bowman is silent about the number of ribs. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have only four ribs in the bushing of Bowman, depending on how much guide or reduce friction one wishes to have between the two elements.

### ***Response to Arguments***

6. Applicant's arguments filed 4/6/05 have been fully considered but they are not persuasive.

**Applicant argued that the fins of Bowman merely contact a bore that is not part of the bushing. In other words, Bowman's fins do not join or fasten an inner sleeve and an outer sleeve of a bushing as claimed by Applicant.**

The claim language states "comprising" which is an open term, so the bore can be part of the bushing. In addition, the claim language is broad, thus, will be interpreted to the broadest extent. From fig. 4 of Bowman, one can clearly see an inner sleeve 16, an outer sleeve 11 concentric with the inner sleeve, and ribs 18 connecting the inner and outer sleeves. As for the join argument, clearly the inner sleeve is "join" (directly or indirectly) to the outer sleeve in relation to the ribs. The definition of "join" as provided

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by Merriam-Webster's Collegiate Dictionary, 10<sup>th</sup> edition, is to put or bring together so as to form a unit, which is exactly what the fins of Bowman do for the inner and outer sleeves, it brings the sleeves together to form a unit.

**Applicant argued that Chang's stirrup are specifically designed to limit rotation of the footrest, therefore, replacing Chang's bushing with Bowman's would completely eliminate the rotation-limiting function.**

Chang's bushing limits rotation to a certain degree, i.e. beyond the position of perpendicularity of the upper foot surface 28 and the carrier plane, and not completely eliminate rotation-limiting function. Merely replacing one type of bushing (Chang's) with another type of bushing (Bowman's) would be obvious functional equivalent. A bushing is there to guide or reduce friction between two elements, thus, both types of bushing of Chang and Bowman perform the same intended function of a bushing so replacing one with the other does not modified the invention of Chang or Bowman.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is 571-272-6889. The examiner can normally be reached on Mon-Thu from 10:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Son T. Nguyen  
Primary Examiner  
Art Unit 3643

stn